

Message Text

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PAGE 01 ANKARA 03238 300439Z

16

ACTION EUR-25

INFO OCT-01 ISO-00 NEA-10 CIAE-00 DODE-00 PM-07 H-03

INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03

SS-20 USIA-15 OMB-01 SNM-02 DEAE-00 SY-04 SCA-01

JUSE-00 SCS-03 IO-14 DRC-01 /136 W

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R 296415Z APR 74

FM AMEMBASSY ANKARA

TO SECSTATE WASHDC 3855

INFO AMCONSUL ADANA

AMCONSUL ISTANBUL

AMCONSUL IZMIR

LIMITED OFFICIAL USE ANKARA 3238

E.O. 11652: N/A

TAGS: CASC, PFOR, PINT, TU

SUBJECT: SENATE AMENDS AMNESTY LEGISLATION

REF: ANKARA 2767

SUMMARY: ON APRIL 27, THE SENATE PASSED AN AMENDED, MORE RESTRICTED VERSION OF THE GENERAL AMNESTY BILL AND RETURNED THE BILL TO THE NATIONAL ASSEMBLY. REJECTION OF THE SENATE VERSION WILL REQUIRE AN ABSOLUTE MAJORITY OF THE LOWER HOUSE, THUS PUTTING THE FRAGILE COALITION TO A SEVERE TEST. END SUMMARY.

1. ACCORDING TO THE APRIL 28 MILLIYET, THE 184-MEMBER SENATE PASSED ITS AMENDED AMNESTY BILL BY 96-27, WITH ONE OBSTENTION (MANY SENATORS WERE ABSENT). BECAUSE THE AMENDED BILL WAS PASSED BY A MAJORITY OF THE FULL SENATE, THE GOVERNMENT COALITION, WHICH FAVORS A BROADER AMNESTY, MUST GATHER A MAJORITY (226) OF THE FULL 450-MEMBER ASSEMBLY IN ORDER TO REJECT THE SENATE AMENDMENTS AND SEND THE BILL TO A MIXED
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PAGE 02 ANKARA 03238 300439Z

PARLIAMENTARY COMMITTEE FOR DRAFTING A COMPROMISE.

OTHERWISE, THE SENATE VERSION WILL BE SENT FOR SIGNATURE TO PRESIDENT KORUTURK, AND THE GOVERNMENT WILL HAVE LOST IN ITS HIGHEST PRIORITY LEGISLATIVE EFFORT.

2. THE MAJOR CHANGES MADE BY THE SENATE ARE AS FOLLOWS:

A. EFFECTIVE DATE OF THE AMNESTY IS CHANGED TO OCTOBER 29, 1973, THE 50TH ANNIVERSARY OF THE TURKISH REPUBLIC (VICE FEBRUARY 7, 1974);

B. CERTAIN ADDITIONAL SPECIFIED OFFENSES ARE EXCLUDED FROM THE AMNESTY ALTOGETHER, INCLUDING THOSE INVOLVING THE DISSEMINATION OF COMMUNIST PROPAGANDA UNDER ARTICLES 141 AND 142 OF THE TURKISH CRIMINAL CODE, OFFENSES INVOLVING MINOR TERRORIST ACTIVITIES UNDER ARTICLE 146/3 (E.G., PARTICIPATING IN AN ANTI-GOVERNMENT INCIDENT), AND CRIMINAL RAPE.

C. SPECIAL PROVISIONS FOR JUVENILE OFFENDERS (I.E., AN 18 YEAR REDUCTION IN SENTENCES) WILL APPLY TO THOSE UNDER AGE 15 (VICE 18) AT TIME THE CRIME WAS COMMITTED;

D. FORMER PRIME MINISTERS, MINISTERS, AND PARLIAMENTARIANS ARE EXCLUDED FROM THE AMNESTY;

E. ELIMINATION OF THE SPECIAL AMNESTY FOR STUDENTS AND TEACHERS WHO WERE THE SUBJECT OF DISCIPLINARY ACTION BETWEEN SEPTEMBER 1968 AND FEBRUARY 1974;

F. ELIMINATION OF THE PROVISION ALLOWING MALE MEMBERS OF FORMER OTTOMAN ROYAL FAMILY TO RETURN TO TURKEY.

3. THE SENATE VERSION DOES NOT ALTER THE TREATMENT OF NARCOTICS OFFENDERS, I.E., THE FIVE-YEAR REDUCTION IN SENTENCES FOR SERIOUS NARCOTICS OFFENSES (TRAFFICKING, SMUGGLING) AND A 12 YEAR REDUCTION FOR LESSER OFFENSES (POSSESSION, USE). ATTEMPTED SMUGGLING OF ANTIQUITIES REMAINS EXCLUDED. MAJOR TERRORISTS ACTIVITIES (INCITING A REVOLT) LIKEWISE REMAIN EXCLUDED.

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PAGE 03 ANKARA 03238 300439Z

4. COMMENT: THE ASSEMBLY VOTE ON THE AMENDED BILL WILL BE A MAJOR TEST FOR THE RPP-NSP COALITION AND, WHILE NOT A FORMAL VOTE OF CONFIDENCE, COULD HAVE A LARGE EFFECT ON ITS FUTURE. AS NOTED IN REFTTEL, DISSIDENT MEMBERS OF THE NSP REPORTEDLY SHARE THE OPPOSITION PARTIES' OBJECTIONS TO AMNESTY FOR PERSONS CONVICTED OF DISSEMINATING COMMUNIST PROPAGANDA, AND 17 OF PARTY'S 48 DEPUTIES WERE ABSENT WHEN THE MEASURE PASSED THE ASSEMBLY

ON APRIL 10. TWO OF PARTY'S THREE SENATORS WERE LIKEWISE
ABSENT FROM VOTING ON APRIL 27 PRIOR TO HIS DEPARTURE ON
APRIL 24 AS HEAD OF THE TURKISH DELEGATION TO SAUDI ARABIA,
NSP LEADER ERBAKAN VISITED LOCAL PARTY ORGANIZATIONS IN SOUTH
AND SOUTHEASTERN TURKEY(INCLUDING MARAS, GAZIANTEP,
DIYARBEKIR), WHICH ARE THE CONSTITUENCIES FOR MOST OF THE
NSP DISSIDENTS, IN AN APPARENT EFFORT TO ENLIST SUPPORT FOR
THE COALITION VERSION OF THE BILL.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AMNESTY, LEGISLATION, CENTRAL LEGISLATURE
Control Number: n/a
Copy: SINGLE
Draft Date: 29 APR 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974ANKARA03238
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740102-0323
From: ANKARA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t1974047/aaaaafyu.tel
Line Count: 124
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: ANKARA 2767
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 27 AUG 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <27 AUG 2002 by WorrelSW>; APPROVED <11 FEB 2003 by GolinoFR>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SENATE AMENDS AMNESTY LEGISLATION
TAGS: CASC, PFOR, PINT, TU
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005